

**RECORDED**

**MAY 27 2022**

**Doc# 2022050049**

**Clatsop County  
Board of Commissioners  
Minutes  
Wednesday, April 13, 2022**

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**REGULAR MEETING: 6:00 PM**

**ROLL CALL**

**PRESENT**

Commissioner Courtney Bangs  
Commissioner John Toyooka  
Commissioner Pam Wev  
Vice Chair Lianne Thompson  
Chair Mark Kujala

**AGENDA APPROVAL**

Chair Kujala recommended the Business Agenda be addressed prior to the Public Hearings.

*Motion made by Commissioner Wev, Seconded by Commissioner Toyooka to approve the agenda as amended.*

*Voting Yea: Commissioner Bangs, Commissioner Toyooka, Commissioner Wev, Vice Chair Thompson, Chair Kujala*

**PROCLAMATION**

**3. Sexual Assault Awareness/Action Month {Page 12}**

Julia Aikman, Prevention Program Coordinator/Lead Sexual Assault Advocate, said The Harbor would be creating the first teal human ribbon in their parking lot on Wednesday, April 20, 2022 from 12:30 pm to 1:00 pm. The event is open to the public. Law enforcement, the District Attorney's Office, the Department of Human Services (DHS), and Clatsop Community Action (CCA) will be participating. Refreshments would be served.

Mia Mattias, Youth Advocate, explained her role as youth advocate, provided background information about Sexual Assault Awareness Month and cited statistics related to sexual assault.

Chair Kujala read the proclamation.

*Motion made by Vice Chair Thompson, Seconded by Commissioner Toyooka to approve the Resolution and Order proclaiming April 2022 to be Sexual Assault Awareness/Action Month and authorize the Chair to sign the proclamation.*

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1        *Voting Yea: Commissioner Bangs, Commissioner Toyooka, Commissioner Wev,*  
2        *Vice Chair Thompson, Chair Kujala*

3        **BUSINESS FROM THE PUBLIC**

4        There were no comments from the public.

5        **CONSENT CALENDAR**

6        *Motion made by Vice Chair Thompson, Seconded by Commissioner Toyooka to*  
7        *approve the Consent Calendar.*

8        *Voting Yea: Commissioner Bangs, Commissioner Toyooka, Commissioner Wev, Vice*  
9        *Chair Thompson, Chair Kujala*

- 10
- 11        4. Board of Commissioners Meeting Minutes 2-23-22 {Page 15}
- 12        5. Warrenton Fiber Company Materials Contract Amendment #C7574 {Page 25}
- 13        6. Approve the 2021-22 Budget & Appropriation Adjustment {Page 39}
- 14        7. Big River Construction Inc. Materials Contract Adjustment #C7572 {Page 43}
- 15        8. Fee Waiver Request – Velazquez CUP Appeal Application {Page 57}
- 16        9. Homeland Security Agreement Amendment – City Emergency Operations Plans
- 17        {Page 63}
- 18        10. Homeland Security Agreement Amendment – Warning Sirens {Page 89}

19        **COMMISSIONER'S LIAISON REPORTS**

20        Vice-Chair Thompson reported that a seismic rehabilitation grant would soon be  
21        available through Business Oregon. The grant will be discussed in an all-day meeting  
22        on May 26<sup>th</sup>, the same day as the City County elected officials meeting. She would  
23        appreciate it if the City County meeting was rescheduled.

24        Commissioner Bangs reported that she was preparing for the upcoming FTLAC  
25        meeting. She attended the watershed meeting and learned that orders were coming in  
26        for native plants.

27        Commissioner Toyooka reported that he is the County's representative on the  
28        Association of Counties Veterans Military Services Committee. The Human Services  
29        Advisory Committee met to discuss homeless issues and micro-housing. Micro-housing  
30        programs are run by each city, so the programs must be coordinated in order to be  
31        successful.

32        Commissioner Web had no reports.

33        Chair Kujala reported that he sat on the panel for the Warrenton City Manager  
34        interviews. Ben Burgener was selected and the contract is being negotiated. There were  
35        also two strong candidates for Public Health Director, who were interviewed last week.  
36        The Oregon Department of Fish and Wildlife (ODFW) Commission would be touring  
37        Bornstein Seafood, the Necanicum and Neawanna Estuary, the habitat restoration at  
38        Bergsvik Creek, and the Youngs Bay net pens and commercial fisheries. He was glad  
39        they made Astoria their destination for their quarterly meeting because it shows their



1 interest in trying to address issues in the Lower Columbia with commercial fishing. The  
2 City of Astoria would consider two proposals for continuing daycare at their City Council  
3 meeting on Friday.

#### 4 **COUNTY MANAGER'S REPORT**

5 Assistant County Manager Steele reported that the City County meeting is scheduled  
6 for May 18<sup>th</sup>, not May 26<sup>th</sup> as stated by Vice Chair Thompson. The budget document will  
7 be sent to Budget Committee members on April 25<sup>th</sup> and the budget message reading  
8 will be on April 27<sup>th</sup>. She asked that Budget Committee members let Staff know whether  
9 they prefer an electronic or paper version of the document.

10 The Commission addressed the Business Agenda at this time.

#### 11 **PUBLIC HEARING**

12 The Public Hearings were conducted immediately following the Business Agenda.

##### 13 11. Ordinance 22-03: Short-Term Rental Revisions – Clatsop County Code {Page 14 115}

15 Director Henrikson presented the Staff report on the Code revisions related to the  
16 operating standards for short term rentals. Staff recommended the Commission  
17 conduct the first reading of the ordinance as proposed, open the public hearing,  
18 take testimony, and continue the hearing to April 27, 2022.

19 Vice Chair Thompson asked what would happen in a short-term rental facility  
20 where the owners were doing illegal fireworks. Director Henrikson explained that  
21 anytime someone does an illegal activity, law enforcement should be contacted  
22 regardless of whether the person is a renter, property owner or guest. Code  
23 Compliance could not count a property owner's illegal activity against the short-  
24 term rental permit requirements because the act would not have been committed  
25 as part of the short-term rental operations.

26 Commissioner Toyooka asked if Staff had considered a one-year renewal that  
27 would allow for a review of operating standards and the permit. Director  
28 Henrikson responded that the County could switch to an annual permit and the  
29 Commission could establish a different fee. Arch Cape permits used to be  
30 renewed annually.

31 Chair Kujala opened the public hearing and called for public comments.

32 Marcus Sidhartha, 1648 NW Riverscape, Portland, said he had a short-term  
33 rental in the unincorporated area of Warrenton. He had written testimony based  
34 on the March 8<sup>th</sup> meeting, but new proposals were being made now. There were  
35 a lot of concerns from the Cove Beach community, which only has 11 percent of  
36 the STRs in unincorporated areas. There was a movement to remove STRs from  
37 the other unincorporated areas of the County. STRs bring in tourism revenue.  
38 The guests eat at local restaurants and shop at local stores. STRs also use local  
39 vendors like housekeepers, landscapers, and maintenance. STRs pay taxes to  
40 the County. Removing STRs would have a huge impact on the area. It felt like  
41 decisions had been made just based on complaints from the Arch Cape/Cove  
42 Beach community. He obtained a permit and makes sure he is in compliance and

1 there are no concerns from the neighbors. He also uses the property for personal  
2 use for two months out of the year. The property is used as an STR because the  
3 demographics of Clatsop County are about 91 percent white. As a person of  
4 color, he and his family are not comfortable living full time in Clatsop County.  
5 Having the STR allows him to temporarily live there for a few months and maybe  
6 slowly experience and integrate into the community and be a pathway to  
7 eventually moving there when he is older. He wanted to follow all of the rules and  
8 regulations, not disturb the neighbors, and be respectful of the environment of  
9 the beach. However, he would have concerns about the complete removal of  
10 STRs.

11 Charles Dice, 31911 Clatsop Lane, Arch Cape, said he believed the proposed  
12 changes were a step in the right direction. However, he would like the County to  
13 accept video recordings as evidence of violations. A lot of the violations occur on  
14 the weekends and in the evenings when there is no code enforcement. The  
15 County is forcing the neighbors to be the police officers in this case, which many  
16 people are not comfortable with but there is no other choice.

17 Phil Lindquist, 1457 4<sup>th</sup> Street, Astoria, said he worked at Oregon Beach  
18 Vacations as the on-call maintenance person. When something happens in the  
19 middle of the night, he would take care of it and it was his job to handle illegal  
20 activities when complaints were made. Short-term rental management  
21 companies do have processes in place to take care of situations. However, law  
22 enforcement is handled separately.

23 Chair Kujala closed the public hearing.

24 Director Henrikson noted that the County already accepted video. However, by  
25 the time code compliance can get to a property, there is no evidence.  
26 Additionally, code compliance does not issue citations, so noise complaints and  
27 illegal fireworks are handled by the Sheriff's Office.

28 *Motion: "Move to conduct the first reading of Ordinance 22-03 by title only."*

29 *Motion made by Vice Chair Thompson, Seconded by Commissioner Bangs.*

30 *Voting Yea: Commissioner Bangs, Commissioner Toyooka, Commissioner Wev,*  
31 *Vice Chair Thompson, Chair Kujala*

32 County Counsel Lyons-Antley conducted the first reading of the ordinance.

## 33 12. Ordinance 22-01: Short-Term Rental Revisions – LAWDUC {Page 134}

34 Director Henrikson presented the Staff report on revisions to the Land and Water  
35 Development and Use Code related to short-term rentals. Staff recommended  
36 the Commission conduct the first reading of the ordinance as submitted, open the  
37 public hearing, take testimony, and continue the hearing to April 27, 2022.

38 Vice Chair Thompson said she believed the Commission did not have the cost  
39 benefit analysis data necessary to make an effective policy. She recommended a  
40 community round table to validate data.

41 Commissioner Bangs stated this ordinance was meant to reconcile ordinance  
42 adopted in 2018 and 2019, which set a precedent for what was allowed in the



1 unincorporated areas. The County would be subject to litigation from both sides if  
2 the moratorium is lifted before this ordinance is adopted. She recommended the  
3 Commission conduct the first reading, continue to do research, and make a  
4 decision by April 27<sup>th</sup>.

5 Commissioner Toyooka asked if Staff had any factual data on STRs impact on  
6 housing prices.

7 Commissioner Bangs asked if the Commission could extend the moratorium to  
8 April 27<sup>th</sup>.

9 County Counsel Lyons-Antley explained that the moratorium could not be  
10 extended until the next Commission meeting because State law requires the  
11 County to notify the State in advance.

12 Commissioner Wev said she believed this process was confusing. The Planning  
13 Commission reacted so negatively to Staffs recommendations that she believed  
14 more discussion was necessary. She could not vote on this ordinance tonight  
15 and two weeks was not enough time for her to make a decision. She wanted  
16 Staff to do more research and she supported extending the moratorium.

17 Chair Kujala opened the public hearing and called for public comments.

18 Bill Smith, 305 SW Semole Dr., Aloha, said he and his wife purchased a lot in  
19 Surf Pines in 1993. After 23 years of saving, they completed the building of their  
20 house in 2017. Between purchasing the lot and building the house, the  
21 neighboring house became an STR. Now, he will not move into the house  
22 because of all of the disruptions. Permitting a house for 14 to 20 people  
23 encourages and creates an attractive nuisance. In the summer, there are large  
24 get-togethers and reunions. People arrive at all hours. Three weekends in a row,  
25 he had to go out between 1:00 am and 3:00 am to ask people to be quiet. People  
26 make trips to the beach and back, sit by the fire, and bring music outside. The  
27 house next to him is permitted for 20 people, which could be 10 rooms in  
28 Seaside paying room taxes instead of one house. Arriving early and going out  
29 late is not a big deal because the property is zoned commercial. However, some  
30 people are oblivious to the neighborhood. Strong neighborhoods do not have  
31 STRs. He looked up safe cities in Oregon and no coastal towns were on the list.  
32 He looked up least safe and found Arch Cape was in the bottom five percent of  
33 safety in Oregon. He looked up schools and found that Seaside High School had  
34 a rating of two out of ten. A quote read, "This school is far below the state  
35 average in key measures of college and career readiness."

36 Charles Dice, 31911 Clatsop Ln., Arch Cape, said Staff's proposal to allow STRs  
37 in all zones seemed dramatic. He wanted to understand why such an enormous  
38 change had been proposed and what the benefit would be to the residents. The  
39 County has received over 1,200 emails, so this seems to be an issue of great  
40 concern. All of the available data says STRs displace or negatively impact  
41 affordable housing. The availability of affordable housing is a huge issue for most  
42 businesses in the county. Every house used for an STR is one more house that  
43 is not available for affordable housing. There are 66 homes in Cove Beach and



22 are STRs. The STR permits were issues in violation of the County's zoning ordinances. Those homes could be affordable housing without changing any of the ordinances. He asked how the proposed changes would benefit the residents. It appeared as if the proposal served the interests of a small group of wealthy business owners who did not live in Clatsop County.

Doug Bundy, 6745 SW Scholls Ferry Rd., Beaverton, said he purchased a house in Arch Cape in 1986. He started renting it off and on while he was building. He had been paying taxes the entire time. When he received a complaint that an RV was parked in his driveway, he removed the RV. Someone had written a letter to the County, but denied doing so even after he had shown the person their signature on the letter. He did not understand why the County did not treat violations by the renters the same as violations by the owners. When he first moved to Seaside, tourism, fishing, and forestry were the main industries. Logging is now a shadow of what it used to be and there were no longer any canneries. Clatsop County would be in trouble without the tourism industry.

Vivian Simon-Brown, 79028 Cove Beach Rd., Cove Beach, said the County made a mistake when it issued STR permits in her neighborhood. The zoning precludes STRs in coastal residential zones. Citizens and attorneys brought this error to the County's attention. The County had two choices, to phase out STRs in the zone or make the illegal actions legal. This maneuver will placate 30 non-voting, non-resident business owners. She asked the Commission to think through the consequences. The issue will not go away and neither would she. She asked why STR businesses were given preferential treatment. She also wanted to know why other businesses were not allowed in the neighborhood.

Reba Owen, 79124 Tide Ave., Cove Beach, showed photographs of several STRs in the area. Garbage is usually left behind by the renters. She asked why the County allowed 30 percent of the houses in Cove Beach to be mini hotels. Cars are parked illegally, parties create noise, and there are illegal beach fires. Full time residents are tired of the County being unwilling to support the zoning at Cove Beach and Falcon Cove. The water and septic system, unpaved roads and dangerous beach accesses do not support the influx of temporary renters. It seemed as if the room taxes were more important than the livability of the neighborhood. She asked the County to enforce the zoning and get rid of STRs.

Jeff Davis, 79432 Ray Brown Rd., Cove Beach, said the data that Vice Chair Thompson referred to was available to the Commission in the 2019 Clatsop County Housing Strategies Report. The county is experiencing a crisis in affordable housing availability. The report says there is an insufficient supply for year-round residents to both purchase or rent, due in large part to the growth of STR activity. The report also says that non-residential uses of housing units should be discouraged and/or controlled. County leaders, local business owners, and service providers cannot find employees or volunteers because there is not enough affordable housing. He expected the County do everything possible to alleviate the lack of affordable housing. However, the County continues to propose ordinances that would allow the unrestricted growth of STRs in all residential areas of the county. Tourism cannot thrive if businesses cannot attract



1 employees. The County has received hundreds of emails in opposition of  
2 unrestricted STR permitting. He asked the Commission to listen to voters and  
3 follow the housing strategy recommendations.

4 Monica Wellington, 38657 NW Harrison Rd., Banks, said she and her husband  
5 owned a home on Lewis Road in Sunset Beach. The home had previously been  
6 a long-term rental and was dilapidated when she purchased it. The neighbors  
7 had told her that before she purchased it, drugs were sold from the home day  
8 and night for years. Remodeling the home was a long and expensive process.  
9 She also proactively worked with her neighbors to make sure they were  
10 responsibly managing their STR. The Planning Commission's recommendation  
11 seemed to address complaints from the Cove Beach area, but that is not a fair  
12 representation of the entire community of STR owners. The removal of over 100  
13 legal STRs impacts a lot of service workers. A study done by the City of Seaside  
14 attributed 28 percent of household income to tourism. There is no proof that the  
15 removal of STRs would positively impact the housing situation. She would not  
16 rent her house out because she had seen the damaging impact of long-term  
17 rentals. She would just keep the home for herself, friends and family. Solutions  
18 should not be sweeping zone changes. Zoning laws evolve as things change  
19 over time. Zoning laws should be addressed to deal with this new phase of  
20 STRs. She supported a cap on STRs, but also wanted all stakeholders to be  
21 considered. The decision should be objective. She urged the County to deal with  
22 the complaints via operational standards.

23 Allen Solaris, 79560 Ray Brown Rd., Arch Cape, said he had been renting his  
24 home for many years. When the licensing went into effect, he was happy to see  
25 that was being done. Not every person who has an STR is as responsible as  
26 they could be. People in his neighborhood had experienced quality of life issues.  
27 He was thankful that he had been able to rent a house on a recent trip to Maine,  
28 but the owner said some people did not like that the house was being rented.  
29 Everyone goes on vacation and rents homes, so it is an elitist attitude to believe  
30 that no one else should enjoy the Oregon coast. The attempt to exclude zones  
31 with single family residences is a prohibition. STRs are single family residences.  
32 Licensing and good regulation offers a balance. Penalties could be increased  
33 and licenses could be withdrawn. When violations occur on a continuous basis, a  
34 person should not be allowed to continue the activity. He was opposed to the  
35 proposed zoning changes.

36 Karen Fish, 78978 Cove Beach Rd., Arch Cape, said Clatsop County has the  
37 highest rate of homelessness in Oregon and more than double the rate of the  
38 next highest county. She urged the Commission to reject Staff's amendments  
39 and support the Planning Commission's recommendation to disallow STR in  
40 most rural residential zones. She and her family were long term renters who  
41 narrowly avoided a no cause eviction in the Spring when her landlord wanted to  
42 convert the home into an STR. They looked for months and found nothing for  
43 rent within 25 miles. They negotiated a lease extension but they will need to  
44 move eventually. STRs have distorted the market. Homes in Clatsop County are  
45 selling for prices that do not pencil out for most vacation home buyers or long-



1 term residents. STRs deplete the existing housing supply. She knew a man who  
2 had been living in his RV for two years. Every home matters to a family facing  
3 displacement. She did not blame STR owners for trying to maximize their  
4 investments, but the elected leaders had a responsibility to ensure an adequate  
5 supply of housing and protect neighborhoods from this ruthless market. A loss of  
6 \$500,000 in revenue seemed like a cheap trade off. Building affordable housing  
7 can take years. The Commission should follow the guidance of the 2019 housing  
8 study and preserve existing housing by limiting STRs.

9 Beth Radich, Arch Cape, said she lived in a coastal residential zone where STRs  
10 and commercial businesses are not supposed to be allowed. She supported the  
11 Planning Commission's recommendations. The proposed ordinance would only  
12 restrict the residents' quality of life and the housing supply. STRs should not be  
13 an allowed use because they degrade livability and they commercialize the  
14 housing supply that was intended for residents. STRs make up 30 percent of the  
15 houses in her neighborhood and there are plenty of areas in the county that  
16 legally allow STRs. Allowing STRs is preferential to absentee businesses and  
17 prejudicial against residents and voters. Clatsop County has the highest  
18 percentage of homeless in the State, almost five times more than the Portland  
19 area. If the County enforced the existing zoning, more houses would be available  
20 for residents.

21 Chair Kujala closed the public hearing and called for Commission discussion.

22 Commissioner Bangs said the County had already set a precedent allowing  
23 STRs, so reconciling the Code would prevent litigation and lost taxpayer dollars.  
24 The County has encouraged the community of Arch Cape to incorporate for a  
25 higher level of service. Additionally, the homes of concern in that community do  
26 not qualify as affordable. She was disappointed that the Planning Commission  
27 did not agree with Staff's recommendations.

28 Commissioner Toyooka stated that the Planning Commission was not solidified  
29 in their decision because this issue was not straight forward. He believed the  
30 Commission needed data showing how much affordable housing had been  
31 displaced by STRs. The STR homes are not affordable, so data was needed to  
32 determine how STRs really affect housing.

33 Commissioner Wev said most of the public comments did not include  
34 misinformation and were overwhelmingly in favor of limiting STRs.

35 Vice Chair Thompson stated there was an advertisement on Facebook  
36 encouraging people to send the Commission form letters. She believed it was a  
37 tactic to overwhelm elected officials with the illusion of public opinion. She was  
38 concerned about the misinformation claiming that STRs were illegal in coastal  
39 residential zones. One owner of two STRs had been purchasing legal opinions  
40 and spreading inaccurate information designed to coerce the Commission into  
41 submission. She was concerned about maintaining neighborhood livability and  
42 wanted more data about the impacts. Data was necessary to be objective.



1 Commissioner Wev said she was concerned that the ordinance was a one size  
2 fits all ordinance. There were issues in individual planning areas that the  
3 Commission had not taken a close look at. The housing study and the census  
4 indicated an enormous number of vacant units, so that data should not be used  
5 in decision making.

6 Commissioner Bangs stated that over the last year and a half, the Commission  
7 had discussed Staff capacity and the inability to individually serve communities  
8 according to their identities. The Commission could conduct this first reading and  
9 extend the moratorium until the desired data is obtained and a decision could be  
10 made.

11 Chair Kujala asked how the Arch Cape portion of the ordinance would be  
12 addressed.

13 Director Henrikson responded that the Arch Cape zoning could be a separate  
14 ordinance and a separate hearing could be conducted.

15 *Motion: "Move to conduct the first reading of Ordinance 22-01 by title only."*

16 *Motion made by Vice Chair Thompson, Seconded by Commissioner Toyooka.*

17 Vice Chair Thompson said someone would pay the cost of increasing  
18 urbanization. The Southwest Citizens Advisory Committee asked the County to  
19 set up a municipal government and pay for it with taxpayer dollars. It does not  
20 work like that. She believed collecting more data would move the issue forward.

21 Commissioner Bangs stated the previous ordinance addressed the livability  
22 concerns in areas with STRs.

23 *Voting Yea: Commissioner Bangs, Commissioner Toyooka, Commissioner Wev,*  
24 *Vice Chair Thompson, Chair Kujala*

25 County Counsel Lyons-Antley conducted the first reading of the ordinance.

26 The Commission addressed the Good of the Order at this time.

## 27 **BUSINESS AGENDA**

28 The Business Agenda was addressed immediately following the County Manager's  
29 Report.

### 30 13. Appoint Applicants to the 4-H & Extension Advisory Council {Page 172}

31 Tammy Olds, OHSU Extension, recommended appointments to 4-H and  
32 Extension Service District Advisory Council, which were included in the Staff  
33 report.

34 *Motion: "Move to appoint Patrick Corcoran, Ed Johnson, Kevin Leahy, John*  
35 *Nigard. Melissa Paget, Chad Washington, and Angie Wilt to the 4-H and*  
36 *Extension Service District Advisory Council for a term of three years."*

37 *Motion made by Commissioner Bangs, Seconded by Commissioner Toyooka.*  
38 *Voting Yea: Commissioner Bangs, Commissioner Toyooka, Commissioner Wev,*  
39 *Vice Chair Thompson, Chair Kujala*  
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1 14. Human Services Advisory Council 2021-22 Grant Recommendations {Page 187}

2 Bob Mushen, PO Box 1370, Cannon Beach, recommended grant funding to  
3 outside agencies, the details of which were listed in the Staff report.

4 *Motion: "Move to approve the Human Services Advisory Council*  
5 *recommendations for funding of \$30,000 to outside agencies, including The*  
6 *Assistance League, Columbia Pacific, Astoria Lions, Sight and Hearing, Camp*  
7 *Kiwanilong, Clatsop Community Action, Grace Food Pantry, Healing Circle, The*  
8 *Harbor, Helping Hands Outreach Center, North Coast Food Web, Life Boat*  
9 *Beacon Club House Services, Life Boat Filling Empty Bellies Program, Clatsop*  
10 *CASA, and the Astoria Warming Center, as presented."*

11 *Motion made by Vice Chair Thompson, Seconded by Commissioner Toyooka.*  
12 *Voting Yea: Commissioner Bangs, Commissioner Toyooka, Commissioner Wev,*  
13 *Vice Chair Thompson, Chair Kujala*

14 The Commission conducted Public Hearings at this time.

15 **GOOD OF THE ORDER**

16 There was nothing for the good of the order.

17 **ADJOURNMENT**

18 There being no further business, the meeting was adjourned at 8:05 pm.

19  
20 Approved by,

21  
22 

23 \_\_\_\_\_  
24 Mark Kujala, Chair